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THE STATE OF TEXAS
VS.
CARLOS PACHECO
[REDACTED]
HOUSTON, TX [REDACTED]

02964594

SPN:
DOB: W M 04/07/1984
DATE PREPARED: 9/24/2018

D.A. LOG NUMBER: 2477682
CJIS TRACKING NO.:
BY: SB DA NO: 2693223
AGENCY:HPD
O/R NO: 106314218
ARREST DATE: TO BE

FILEDChris Daniel
District Clerk

SEP 24 2018

Time: 11:55

Harris County, Texas

By: [Signature]

BAIL: TO BE SET AT MAGISTRATE
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

NCIC CODE: 1301 19

RELATED CASES:

FELONY CHARGE: Aggravated Assault

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1606143
209**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **CARLOS PACHECO**, hereafter styled the Defendant, heretofore on or about August 20, 2018, did then and there unlawfully, intentionally and knowingly threaten Michele Nunez with imminent bodily injury by using and exhibiting a deadly weapon, namely, a knife.

PROBABLE CAUSE STATEMENT

I, L. Lopez, am a peace officer employed by the Houston Police Department and assigned to the Major Assaults / Family Violence Division. I do solemnly swear that I have reason to believe and do believe that on or about Monday, August 20, 2018, in Houston, Harris County, Texas, Carlos Pacheco, born on April 7, 1984, hereinafter known as Defendant Pacheco, did commit the offense of Aggravated Assault with a Deadly Weapon.

MY BELIEF IS BASED UPON THE FOLLOWING FACTS:

I was assigned this case for follow-up investigation. On Monday, August 20, 2018, at around 23:30 hours, Houston Police Officer J. L. Brown, Payroll # 117387, who I found credible and reliable, responded to an Assault / In Progress / Weapon call for service to the Jesse H. Jones Hall for the Performing Arts, 615 Louisiana Street, Houston, Harris County, Texas 77002.

Upon arrival Officer Brown met with Michele Nunez, born on November 13, 1970, hereinafter known as Complainant Nunez, with Wade Trayton Lee, born on December 11, 1970, hereinafter known as Witness Lee, with Jeremy Loftis, born on July 24, 1990, hereinafter known as Witness Loftis, and with Richard Nunez (Complainant Nunez' husband), born on May 16, 1974, hereinafter known as Witness Nunez.

Complainant Nunez stated that they all attended the Kathy Griffin Show and due to her mobility restrictions, her group was one of the last ones to exit the theater hall. Complainant Nunez saw Defendant Pacheco standing near the exit, wearing a shirt depicting President Donald Trump, and a red hat with the "Make America Great Again" slogan. She spoke to her group and said "Look at this guy, what is he wearing? Is that for real?" She stated that Defendant Pacheco heard her comments and responded with something similar to "Do you want a political debate?"

Complainant Nunez stated that they exited the building and waited outside as her husband, Witness Nunez, went to the parking garage to get their vehicle. When Witness Nunez made it back to the front of the Jones Hall they all got in the vehicle. Complainant Nunez got in the front passenger seat and as she was getting in the vehicle she saw Defendant Pacheco and told him "Hey asshole, fuck Trump!" Defendant Pacheco responded "Fuck you, fucking cunt!" and twice kicked the front passenger door. Defendant Pacheco brandished a pocket knife and twice stabbed at Complainant Nunez' window, striking the vehicle's front passenger window glass as Complainant Nunez closed the window.

Witness Nunez drove away from the scene and Witness Lee, who was seated in the rear seat behind the front passenger seat and witness the incident, immediately called the police. Audio of entire incident was recorded with Complainant Nunez' vehicle dash camera and the recording is consistent with the Complainant and Witnesses statements. Video of Defendant Pacheco was recorded with Complainant

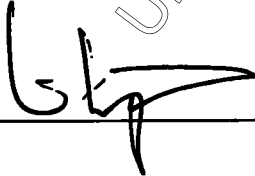
Nunez' cell phone as Witness Nunez drove around the block and returned to the scene. Complainant Nunez and Witness Lee reported the incident to Witness Loftis, who was working as a security guard for the Jones Hall. Witness Loftis advised them to let Defendant Pacheco go and to call the police. Defendant Pacheco left the scene prior to the officers' arrival.

Complainant Nunez and her husband posted the videos of this incident on social media and were able to obtain Defendant Pacheco's identity from people who commented about the incident and recognized him. Anonymous tipsters provided Defendant Pacheco's name, Facebook and Grindr profiles. During my investigation, I was able to obtain Defendant Pacheco's driving record and photograph. Complainant Nunez, Witness Nunez and Witness Lee identified Defendant Pacheco when presented with their respective photo lineups. A fourth Witness was developed during the investigation and identified as Steven Nungaray, born on July 25, 1969, hereinafter known as Witness Nungaray. Witness Nungaray was in the vehicle the night of the incident and his statement was consistent with Complainant Nunez' statement. Although, he stated that he did not want to be involved. Complainant Nunez stated that she was willing to prosecute.

On Monday, September 17, 2018, I contacted Defendant Pacheco on the phone. Defendant Pacheco stated that he was aware of the incident and that he was willing to give a statement. He scheduled a visit with me at police headquarters but then called me minutes later and stated that his attorney advised him not to speak to me.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on September 24, 2018



AFFIANT



ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 19089361

COMPLAINT